

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

MICHAEL LOGAN LOWERY,  
Petitioner

§

Vs

§

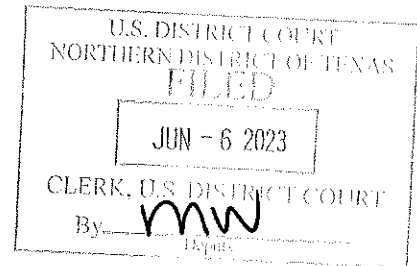
Civil Action No. 4:23-CV-289-P

§

BOBBY LUMPKIN, Director,  
TDCJ-CID

§

MOTION TO RECONSIDER



TO THE HONORABLE MARK T. PITTMAN:

COMES NOW, MICHAEL LOGAN LOWERY, Petitioner, files this Motion To Reconsider due to the Court's error in Dismissing Petitioner's Writ. Petitioner's filing fee was paid in full two weeks prior to the Court's deadline. Petitioner would show this Court as follows:

- a. Petitioner's \$5.00 filing fee was paid by federal/postal money order on 04-11-23, the receipt from the clerk's office is dated 04-11-23 @ 11:26 AM, containing the above case number, Michael Logan Lowery, & writ of habeas corpus, leaving no room for error or the misapplication of the \$5.00 filing fee. The date paid is twelve (12) days prior to the Court's deadline of 04-23-23.
- b. Petitioner sent a letter to the clerk's office on May 03, 23 requesting a status update to his writ. This letter passed the Court's order of dismissal in flight through the United States Postal Service (USPS) but also states that the fee had been paid, the date & time the fee was paid, then requested the status update. The clerk's office should be aware of the error in dismissal.
- c. Petitioner received his copy of the Court's Order Of Dismissal dated May 02, 2023 on May 23, 2023 @ 0845 having taken twenty (20) days or three (3) weeks to receive. Having pointed this out, Petitioner would like to present Fed.R.Civ.P. 6(c) which abrogates any limit on this Court's judicial power to review or clarify the finality of judgments and formally asks this Court to review it's decision to dismiss Petitioner's writ which was ordered on May 02, 2023.

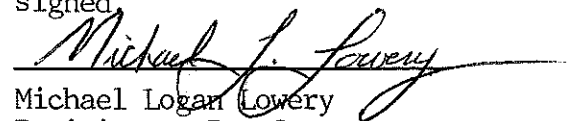
d. Petitioner received his copy of the Court's Order Of Dismissal dated May 02, 2023 on May 23, 2023 @ 0845 having taken twenty (20) days or three (3) weeks to receive through the United States Postal Service (USPS). Since he is limited to the USPS to send this Motion To Reconsider back to the Court, he would like to invoke the "mailbox rule" under Fed.R.Civ.P. 6(e) and declares under penalty of perjury that the foregoing motion was placed in the prison mail system on May 23, 2023.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Petitioner prays this Honorable Court would reconsider it's decision to dismiss Petitioner's writ due to an unpaid filing fee when the filing fee was in fact paid in full before the Court's deadline & reinstate Petitioner's writ.

Respectfully submitted on this the 23rd day of May, 2023.

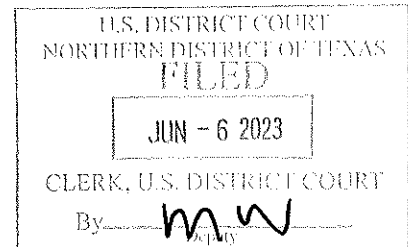
signed

A handwritten signature in black ink, reading "Michael Logan Lowery", written over a horizontal line.

Michael Logan Lowery  
Petitioner, Pro Se  
TDCJ-ID # 01954001  
Clements Unit  
9601 Spur 591  
Amarillo, TX 79107

May 23, 2023

Clerk of the Court  
U.S. District Court  
Northern District/Fort Worth Division  
501 West Tenth Street., Room 310  
Fort Worth, TX 76102



Re: 4:23-CV-289-P, Lowery v Director, Motion To Reconsider

Dear Sir or Madam,

Please file my Motion To Reconsider with the Court. Thank you for your time.

sincerely,

  
Michael Logan Lowery

Lavery, Michael J.  
# 0195-8881  
Clements Write  
9601 Spur 591  
Amarillo, TX 79107

2023 JUN 6 7:47  
CLERK



Clerk of the Court  
U.S. District Court  
Northern District, Fort Worth Division  
501 West Tenth Street, Room 310  
Fort Worth, TX 76102

"Legal"  
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